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Materials for

CITIZENSHIP, IMMIGRATION AND GLOBALIZATION

LAW262H1S; GLAO211H; Spring 2014

Perspective/ICT/SUYRP course

SPRING 2014

VOLUME I

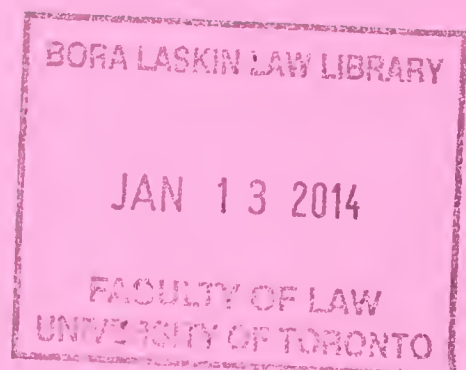
Professor Ayelet Shachar

Faculty of Law

University of Toronto

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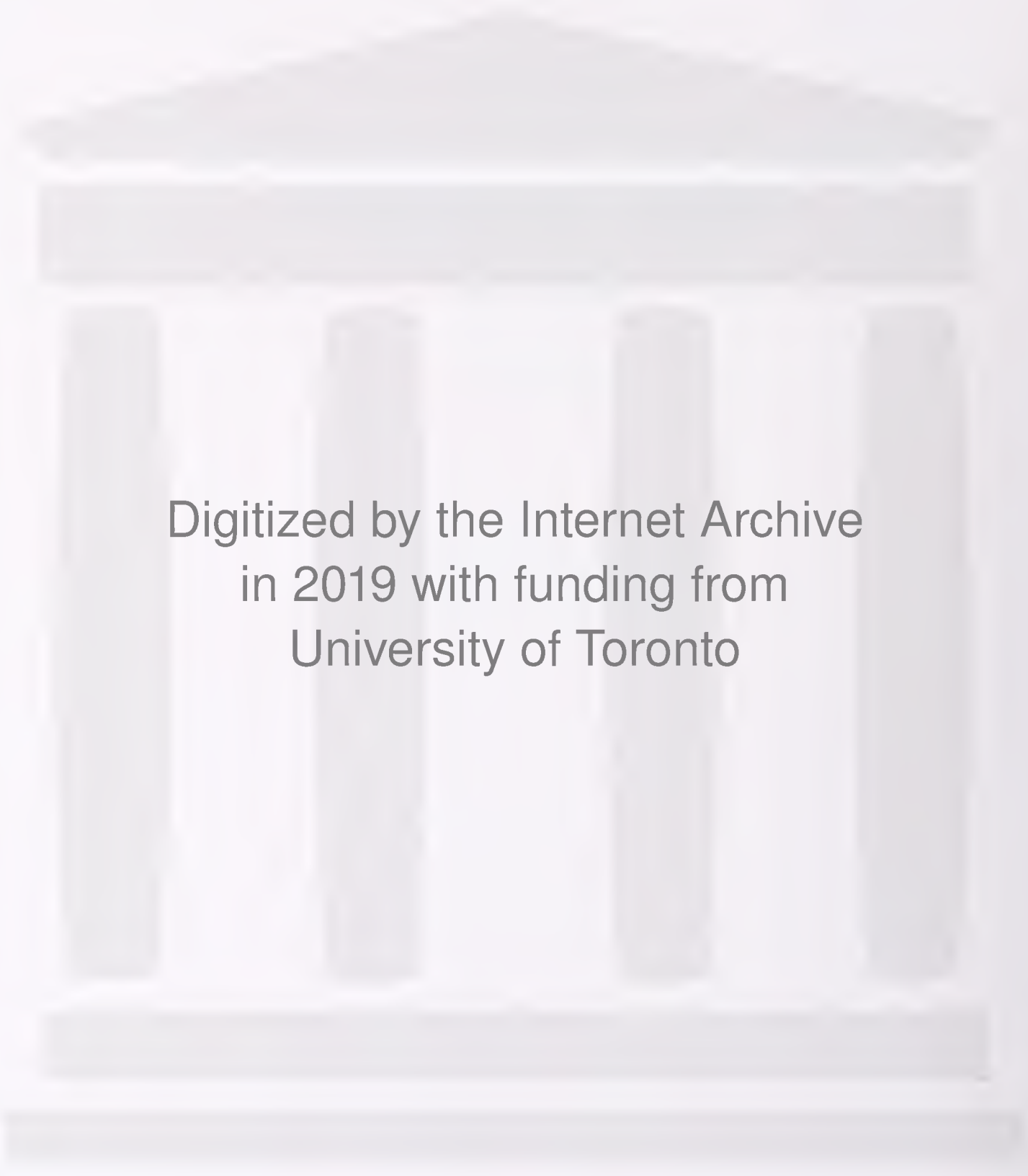
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VOLUME I

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CITIZENSHIP, IMMIGRATION AND GLOBALIZATION

LAW262H1S; GLAO211H; Spring 2014

Perspective/ICT/SUYRP course

PROFESSOR AYELET SHACHAR

Class Meeting Time: Monday 2:10-4:00

Office Hours (FL 408): Monday 4:00-4:30 or by appointment

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Citizenship and immigration have become a hot-button political issue in recent years in Canada, as well as in many other destination countries. Debates range from admission questions – who should be allowed to enter, according to what criteria, and for how long – to queries about the civil rights of migrants, cultural diversity, and the level of integration that can legitimately be expected from newcomers once they have settled in the country. Another emerging topic is the growing impact of economic remittances, transnational investments, and political contributions by dual citizens in both sending and receiving countries. This course will explore these new developments, placing them in the broader context of Canadian immigration law, history, and policy. We will also refer to comparative evidence from the United States, Australia, France, Germany, Ireland, Italy, the United Kingdom, and Singapore, as well as examine the changing conceptions of membership in leading emigrant-sending countries, including Mexico, India, and China. With this global perspective in mind, we will chart the new terrain for Canadian citizenship and immigration law for the twenty-first century.

EVALUATION

- Class participation (15%): Class meetings will be organized around a discussion of each week's readings. Class participation includes attendance, substantive participation in weekly discussions, and one in-class presentation of a comment paper (see below).
- 1,250 words (five-page) comment paper (15%): The comment paper will be a critical assessment of one or more of the sources on the reading list. Comment papers are due at 4 p.m. on the day before the class readings are scheduled to be discussed. Please e-mail the comment paper to ayelet.shachar@utoronto.ca. Each student is expected to use the five-page comment paper to illuminate an important question in the reading or to develop their own coherent argument based on the readings. The submission of the comment paper will be accompanied by a short in-class presentation of the paper. Students must sign up for the oral presentation of one of their comment papers ahead of time, during the second meeting of the seminar.
- Final research paper of 6,000-6,500 words (approx. 20 to 25 pages) (70%): The final paper's topic must be pre-approved by the instructor. A one-page outline of your paper and a preliminary bibliography must be turned in by 2:00 p.m., Monday, February 24, 2014. The final paper is due by 10 a.m. on the last day of the reading period, April 24, 2014 (Records Office).

READING MATERIALS

- The reading materials will draw upon Canadian and comparative jurisprudence and legislation governing citizenship and immigration law, as well as contemporary political theory, globalization studies, and social science literature. The reading material is assembled in a course packet, *Citizenship, Immigration and Globalization*, edited by Professor Shachar (Faculty of Law, University of Toronto, 2014). The course packet is available for purchase at the Law School's bookstore. Additional copies will be placed on short-term reserve at the Bora Laskin Law Library. Course materials will also be posted on Blackboard.

VOLUME ONE

I. FOUNDATIONS

1. *The Classic Model of Sovereignty and the Challenges of Migration in the 21st Century*

- "Citizenship," in *Immigration and Citizenship: Process and Policy*, ed. Thomas Alexander Aleinikoff et al. (5th ed., West, 2003), p. 1 1
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2. *Membership's Boundaries and the Shifting Borders of Immigration*

- Rogers Brubaker, "Citizenship as Social Closure," in *Citizenship and Nationhood in France and Germany* (Harvard University Press, 1992), pp. 21-34..... 7
- "Who are the *Harraga*?" in Branko Milanovic, *The Have and the Have-Not* (Basic Books, 2011), pp. 130-134 21
- Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (Columbia University Press, 1996), pp. 1-6; 59-75 24
- Ayelet Shachar, "The Shifting Border of Immigration Regulation," 3 *Stanford Journal of Civil Rights and Civil Liberties* (2007), pp. 165-193 48
- Bruce Ackerman, *Social Justice in the Liberal State* (Yale University Press, 1980), pp. 93-95 78
- Gary S. Becker, "An Open Door for Immigrants—The Auction" *Wall Street Journal*, October 14, 1992, A14 81

II. WHO BELONGS? CITIZENSHIP AND IMMIGRATION LAW IN A NUTSHELL

3. Who “Naturally” Belongs to the Political Community – and on What Basis?

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6. *Temporary Low-Skilled Migration Programs; Domestic Workers; Undocumented Migrants; Earned Citizenship*

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Professor Shachar will offer introductory comments before the screening of the documentary, which will be shown in class during our regular meeting time.

III. THE NEW FRONTIERS OF CITIZENSHIP AND IMMIGRATION

8. *Shared Values; State and Religion; Return of Assimilation?*

- "France/Secularism," *Statement made by Jacques Chirac, President of the Republic, Paris, January 28, 2004* 128
- Rogers Brubaker, "The Return of Assimilation? Changing perspectives on immigration and its sequels in France, Germany, and the United States," 24 *Ethnic and Racial Studies* 531 (2001) 129
- John R Bowen, "How the French State Justifies Controlling Muslim Bodies: From Harm-Based to Values-Based Reasoning," 78 *Social Research* 325 (2011) 147
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- Ayelet Shachar, "Interpretation Sections (27 and 28) of the Canadian Charter," in *Canadian Charter of Rights and Freedoms*, eds., Errol Mendes and Stephane Beaulac (5th ed., LexisNexis, Canada, 2013), pp. 165-178 181
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- Ayelet Shachar, "Religion, State, and the Problem of Gender: New Modes of Citizenship and Governance in Diverse Societies," 50 *McGill Law Journal* 49 (2005) ... 202
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- Amitai Etzioni, "Citizenship Tests: A Comparative, Communitarian Perspective," 78 *Political Quarterly* 353 (2007) 214
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10. Naturalization, Dual Citizenship, and Transnationalism: Membership Beyond the Territory

- Ruud Koopmans et. al., *Contested Citizenship: Immigration and Cultural Diversity in Europe* (University of Minnesota Press, 2005), pp. 7-15 1
- Christian Joppke, "Citizenship between De- and Re-Ethnicization" 44 *European Journal of Sociology* 429 (2003) 6
- Sam Dillon, "Mexico Woos U.S. Mexicans, Proposing Dual Nationality," *New York Times*, December 10, 1995, A16 16
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- Kim Barry, "Home and Away: The Construction of Citizenship in an Emigration Context," 81 *NYU Law Review* (2006), pp. 11-59 45
- Italy's "Overseas Constituency," Provisions governing the right to vote of Italian citizens abroad, Law No. 459, Dec. 27, 2001, Gazz. Uff. No. 4, Jan. 5, 2002 [Italy] 95

11. Regional or Supranational Citizenship; Where Europe and North America Diverge?

- Article 20, "Citizenship of the Union," Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), Official Journal of the European Union, C115/56, 9.5.2008 97
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- Sarah Stillman, Lampedusa's Migrant Tragedy, and Ours," *The New Yorker*, Oct. 10, 2013 148

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12. *The Future of Citizenship in a Globalizing World: Strangers No More?*

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